

1
2
3
4
5
6
7
8 BEFORE THE HEARING EXAMINER FOR THE CITY OF RENTON

9 RE: Renton 14 Preliminary Plat

10)
11) FINAL DECISION
12)
13)
14)

11 Preliminary Plat
12 LUA16-000078

14 SUMMARY

15
16 The applicant requests preliminary plat approval for a 15-lot residential subdivision located at 6201
17 and 6207 NE 4th Street. The preliminary plat is approved with conditions.

18 TESTIMONY

19 Jill Ding, Senior Planner, summarized the staff report. Ms. Ding noted that the public comment
20 letters were concerned about transportation. The letters asserted that additional trips by the
21 proposed project would back up into the Rosario/NE 4th intersection. The applicant prepared a
22 traffic study that showed that the traffic generated by the proposal would not change the level of
23 service at the intersection. There was also a concern that road stubs weren't included in the
24 proposal for future connections and as a result the applicant added a road stub for further
25 connectivity. Ms. Ding noted that the project site is currently composed of two lots.

24 Kevin Murray, applicant, noted that the monopole was a nonconforming use that the applicant had
designed around. The monopole was not modified as a result of the proposal.

25 Darrell Offe, Offe Engineers, noted that the project currently has three existing houses and the
26 monopole. Tract C was built around the monopole. Page 6 of the staff report notes that the width

1 of Lot 9 is 64.07 feet. The actual width is 70 feet. Page 7 of the staff report imposes a condition for
2 monopole setbacks. King County issued a building permit for the monopole in 2004. The property
3 was subsequently annexed into the City of Renton. Staff asserts that RMC 4-4-140 applies to the
4 monopole. But RMC 4-4-140(C) provides that the setbacks apply to the placement of a tower and
the applicant is not placing the tower. Conditions 3 and 5(b) recommended in the staff report
should not be adopted.

5 Randy Paul, neighbor, noted that the minimum lot size is 9,000 square feet and he wanted to know
6 why two lots were smaller. Ms. Ding noted that the code only requires that the lots average 9,000
7 square feet. Mr. Paul also felt that study of potential road connections was insufficient and
constituted incremental environmental review.

8 Janice Faris, neighbor, president of the Amberwood HOA, expressed concern over traffic impacts to
9 NE 3rd Court and Rosario. There are five lanes of traffic on NE 4th with fast traffic because traffic
lights are a mile apart. Crossing 4th to get to a bus stop is dangerous. There should be a traffic light
10 at 4th and Rosario. Ms. Faris also felt that sewer caps should have a GPS marker so that they can be
more easily found. People have come out twice to the project site looking for the sewer cap.

11 In rebuttal, Ms. Ding noted that the road stub abutting the east property line of the project addresses
12 the incremental review concerns of Mr. Paul, as this road stub will be used to address connectivity
needs to the east.

13 Vanessa Dolbee, planning manager, agreed that the monopole is an existing nonconforming use, but
14 the addition of new property lines and development to the site triggers new code requirements. The
15 conditions of approval will help the City ensure that the new distances between the monopole and
residential structures are safe. The City has plans to add a signal at Rosario and NE 4th but that is
16 not required of the applicant. Ms. Ding noted that the traffic study found nominal impacts to
Rosario and 4th and Public Works determined that payment of traffic impact fees would be
17 sufficient to address traffic impacts.

18 Mr. Offe noted that the survey of the property as it stands currently shows the monopole as 22 feet
19 from the west property line. The residences of the plat will be required to have 30-foot front yard
setbacks, so the minimum distance between homes and the tower will be 30 feet. The tower is 70
20 feet tall. A 70-foot circle around the tower would result in the loss of three lots. The 30 foot front
yard setback in conjunction with the 22 feet separation to the west property line would result in a
21 minimum separation of 52 feet. The traffic report found an LOS E at 4th and Rosario. There's no
22 warrant for a signal based on traffic volume at that intersection. The City's standards have been
improved to make sewer caps more readily visible since the one at the project site was installed.

EXHIBITS

23
24
25
26 Exhibits 1-17 listed on page 2 of the June 14, 2016 Staff Report were admitted into evidence during

1 the public hearing. The City staff power point presentation was admitted as Exhibit 18 and the
2 City's GIS core maps, available on the City's website, were admitted as Exhibit 19. A 2004 building
3 permit for the on-site monopole was admitted as Exhibit 20. A current property survey of the project
4 site was admitted as Exhibit 21.

5 **FINDINGS OF FACT**

6 **Procedural:**

7 1. Applicant. Kevin Murray on behalf of Kendall Homes.

8 2. Hearing. The hearing for the application was held on June 14, 2016 at 11:00 am in the
9 City of Renton Council City Chambers.

10 **Substantive:**

11 3. Project Description. The applicant requests preliminary plat approval for a 15-lot
12 residential subdivision located at 6201 and 6207 NE 4th Street. The project site is currently
13 divided into two lots with a total area of 210,594 square feet (4.83 acre). In addition to 15
14 lots, the applicant proposes three tracts: Tract A is a stormwater detention tract, Tract B is a
15 secondary emergency access tract and Tract C contains a cellular tower and associated
16 facilities. The proposed lots range in area from 8,228 square feet to 15,286 square feet.
17 There are 3 existing single-family residences on the project site, two are proposed for
18 removal, one is proposed to remain on Lot 2. Access to the proposed lots is proposed via a
19 new public street extension off of NE 3rd Court, which terminates in a hammerhead
20 turnaround. A secondary emergency access road (Tract B) would provide secondary access
21 to NE 4th Street in the event of an emergency. Road stubs are proposed at the hammerhead
22 along the east and south property lines in order to provide future connections to vacant land
23 adjoining to the south and north. No critical areas are mapped on the project site.

19 4. Surrounding Uses. Properties to the north, east and west are zoned R-4 and property to the
20 south is zoned Open Space and R-4. The property to the south and east is vacant and property to
21 the north and west is developed with single-family homes.

22 5. Adverse Impacts. There are no significant adverse impacts associated with the proposal.
23 Pertinent impacts are addressed as follows:

24 A. Compatibility. The applicant proposes single-family development in an area that is
25 surrounded by single-family development at a density that is similar to existing
26 development when a comparison of the proposed number of lots is made to the number of
lots located in adjoining development. There are no compatibility problems associated
with the proposal.

1
2 B. Critical Areas and Vegetation Removal. There are no critical areas on site. In the
3 absence of any critical areas on site, the only wildlife and habitat protections required by
4 the Renton Municipal Code is the City's tree retention ordinance. As outlined in the staff
5 report, staff determined that the proposal complies with the City's tree retention
6 standards. As required by the City's tree retention standards, the applicant submitted a
7 Tree Retention Worksheet (Exhibit 13), Arborist Report (Exhibit 14) and a Tree Retention
8 Plan (Exhibit 15) with the project application. According to the Tree Retention Plan (Exhibit
9 15), a total of 36 significant trees are located on the project site, of those 12 are identified as
10 hazard trees, 10 are within the proposed right-of-way construction area, and 1 tree is
11 located within the private access tract require for emergency access. Of the remaining 13
12 significant trees, the applicant is required to retain 30 percent or 4 trees. The applicant is
13 not proposing to retain any trees and instead proposed to replant 18 2 inch caliper
14 replacement trees. Staff determined that two trees can actually be retained wihtout
15 interfering with the applicant's development plans. The applicant's proposed Tree
16 Retention Plan, as modified by staff's recommended conditions of approval, is authorized by
17 this decision.

18 C. Reduction in Monopole Lot. Currently, the monopole at the project site is located on
19 what appears to be on a parcel that is over 2.5 acres in size and the applicant proposes to
20 reduce that area to Tract C, which is only 1,078 square feet in area. The reduction in
21 parcel size significantly reduces the separation between the monopole and residential
22 uses that can be constructed on adjoining lots. As noted in the staff report, the monopole
23 in Tract C only has a 2-foot setback from the west property line, a 5-foot setback from the
24 north property line, a-16 foot setback from the east property line and a 40-foot setback
25 from the south property line. The staff report addresses this issue by requiring the
26 applicant to demonstrate that Tract C complies with the setback requirements for new
monopole construction, specifically RMC 4-4-140(F)(4). RMC 4-4-140(F)(4) requires
monopoles to be setback from property lines a minimum of the monopole height (70 feet
in this case), unless an engineering analysis is provided that concludes that a reduced
setback would be safe for adjoining properties. RMC 4-4-140(F)(4) is a legislative
determination that monopoles can serve as a safety hazard to abutting properties when
built too close to the property lines. There is no evidence in the administrative record
that rebuts this legislative determination. In the absence of countervailing evidence it
must be concluded that monopoles can serve as a safety hazard to adjoining properties
without the setbacks required by RMC 4-4-140(F)(4). The staff recommended conditions
of approval, requiring compliance with RMC 4-4-140(F)(4), adequately mitigate any
safety hazards created by the reduced setbacks proposed by the applicant.

27 6. Adequacy of Infrastructure/Public Services. As conditioned, the project will be served by
28 adequate/appropriate infrastructure and public services as follows:

- 1 A. Water and Sewer Service. The site is served by King County Water District 90 for water
2 and the City of Renton for sewer. Water District 90 has provided a certificate of water
3 availability for the proposal to the City of Renton.
- 4 B. Police and Fire Protection. Police and fire service would be provided by the City of
5 Renton. Police and fire service staff have concluded they have sufficient resources to
6 serve the proposal. Fire impact fees will be collected during building permit review to
7 pay for proportionate share fire system improvements.
- 8 C. Drainage. Preliminary drainage design conforms to the City's stormwater standards as
9 determined by Public Works staff. The applicant submitted a drainage report and
10 drainage plan dated January 25, 2016, Ex. 3. The City's stormwater standards, primarily
11 adopted as the 2009 King County Surface Water Design Manual and City amendments
12 thereto, assures that there will be no increase in off-site stormwater volumes or velocities
13 created by the proposed development.
- 14 D. Parks/Open Space. It is anticipated that the proposed development would generate future
15 demand on existing City parks and recreational facilities and programs. A Parks Impact
16 Fee, based on new single family lots, will be required in order to mitigate the proposal's
17 potential impacts to City parks and recreational facilities and programs. Payment of the
18 park impact fee will provide for adequate/appropriate park facilities. Beyond the park
19 impact fee, the City does not require any specific open space for R-4 subdivisions. RMC
20 4-2-115 does require open space for developments zoned R-10 and R-14, but these
21 requirements don't extend to R-4 developments.
- 22 E. Streets. The proposal provides for adequate/appropriate streets. City engineering staff
23 have reviewed the proposal for conformance to City street standards and have found
24 them to be satisfied. As outlined at page 14 of the staff report, a number of street
25 frontage improvements along the project's street frontage on NE 4th Street is required to
26 comply with the cross-section requirements of the City's NE 3rd-4th Street corridor plan.
As noted in Finding of Fact No. 3, direct access will not be off NE 4th but rather will
be accomplished through an extension of NE 3rd Court. An emergency access tract
(Tract B) connects the interior road system to NE 4th, but this tract will not otherwise
provide vehicular access to NE 4th from the interior of the proposal. Partially in
response to public comment, the applicant has also been required to integrate stub roads
into the east and south property lines in order to provide future connections to
surrounding development.
- A major concern of at least one neighbor was traffic at the intersection of Rosario and
NE 4th Street. The trips generated by the proposal would primarily use this intersection

1 when exiting the project site. As testified during the hearing, the concerns over Rosario
2 include safety issues, because NE 4th is five lanes wide and people don't have any
3 nearby signalized intersection to use to get to bus stops along NE 4th. In response to
4 these concerns the City had the applicant prepare a traffic study, Ex. 4. The traffic study
5 found that the proposal would generate 9 new PM peak hour trips and these trips would
6 not lower the level of service to any affected intersections, including the Rosario/NE 4th
7 intersection. The traffic study concluded that the PM peak hour trips generated by the
8 proposal would only increase intersection delay by 4 seconds. Based upon the findings
9 of the traffic study, City engineering staff determined that the marginal impacts of the
proposal would be adequately mitigated by payment of the City's transportation impact
fees. Given the lack of any evidence in the record that the proposal will exacerbate
safety or congestion issues at the Rosario/NE 4th intersection, no additional mitigation
can be required of the applicant.

10 F. Parking. As determined by staff, sufficient area exists, on each lot, to accommodate
11 required off street parking for a minimum of two vehicles per dwelling unit as required
12 by City code.

13 G. Schools. Adequate/appropriate provision is made for schools. It is anticipated that the
14 Issaquah School District can accommodate any additional students generated by this
15 proposal at the following schools: Briarwood Elementary, Maywood Middle School and
16 Liberty High School. Any new students from the proposed development would be bussed
17 to their schools. The current stop is located on NE 4th Street abutting the portion of the
project site currently addressed as 6210 NE 4th Street. The proposed project includes the
installation of frontage improvements along the NE 4th Street frontage, abutting the
project site, which would provide a safe walking condition to the bus stop.

18 A School Impact Fee, based on new single-family lots, will be required in order to
19 mitigate the proposal's potential impacts to the Issaquah School District. The fee is
20 payable to the City as specified by the Renton Municipal Code. Currently the fee is
assessed at \$4,635.00 per single-family residence.

21 **Conclusions of Law**

- 22 1. Authority. RMC 4-7-020(C) and 4-7-050(D)(5) provide that the Hearing Examiner shall
23 hold a hearing and issue a final decision on preliminary plat applications.
- 24 2. Zoning/Comprehensive Plan Designations. The subject property is zoned R-4 and has a
25 comprehensive plan land use designation of Residential Low Density.
- 26

3. Review Criteria. Chapter 4-7 RMC governs the criteria for subdivision review. Applicable standards are quoted below in italics and applied through corresponding conclusions of law.

RMC 4-7-080(B): *A subdivision shall be consistent with the following principles of acceptability:*

1. *Legal Lots: Create legal building sites, which comply with all provisions of the City Zoning Code.*

2. *Access: Establish access to a public road for each segregated parcel.*

3. *Physical Characteristics: Have suitable physical characteristics. A proposed plat may be denied because of flood, inundation, or wetland conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat.*

4. *Drainage: Make adequate provision for drainage ways, streets, alleys, other public ways, water supplies and sanitary wastes.*

4. As to compliance with the Zoning Code, Findings 15 and 16 of staff report are adopted by reference as if set forth in full. As depicted in the plat map, Ex. 5, each proposed lot will access a public road. As determined in Finding of Fact No. 5, there are no critical areas on site, which would encompass any flood, inundation or wetland conditions that would make the site unsuitable for development. As determined in Finding of Fact No. 6, the proposal provides for adequate public facilities.

The staff report employs its analysis of setback requirements under the criterion above to impose the monopole setback requirements identified in Finding of Fact No. 5(C) of this decision. The applicant argues that the monopole setback requirements of RMC 4-4-140 only applies to new monopole construction or modification, because RMC 4-4-140(C) provides that “*no person shall place, construct, reconstruct or modify a wireless communication facility within the City without an Administrator issued permit...*” Staff is not requiring the applicant to get a wireless permit. Staff is only recommending that the monopole tract resulting from the proposed subdivision comply with the setback requirements of RMC 4-4-140(F)(4). This is a reasonable interpretation of the criterion quoted above, which requires that the lots created by a subdivision comply with all requirements of the Zoning Code, which should be construed as including the setback requirements of RMC 4-4-140(F)(4). Under the applicant’s interpretation, a developer could easily circumvent those setback requirements by securing approval of a monopole facility that complies with the setback requirements one day, and then reduce them to noncompliance the next day with a lot line adjustment or subdivision. Such an interpretation would be absurd and render the setback requirements virtually meaningless.

The applicant also argues that imposing RMC 4-4-140(F)(4) violates its nonconforming use rights. Pursuant to RMC 4-10-050, as a legally established nonconforming structure, the monopole is allowed to remain despite any current noncompliance with RMC 4-4-140(F)(4) setbacks. However,

1 the City's recommended setback conditions don't address the current setbacks, but rather the new
2 setbacks proposed for Tract C. These setbacks were not legally established prior to the adoption of
3 the RMC 4-4-140(F)(4) setbacks, hence they enjoy no nonconforming use or structure rights and
4 must comply with current zoning standards. It is recognized that some of the currently existing
5 setbacks may not comply with RMC 4-4-140(F)(4) and that the existing degree of noncompliance is
6 protected within the nonconforming structure rights that attach to the monopole. The staff
7 recommended conditions of approval will be modified to provide that the existing degree of
8 nonconformity can continue to be maintained and that only further reduction of the setback from
9 required standards will be subject to the recommended conditions.

10 The applicant also noted during the hearing that the width for Lot 9 is inaccurately depicted in the
11 staff report. Staff did not respond to this assertion during the hearing. Given that staff still found
12 compliance with applicable lot width requirements, the accuracy of the staff report on that issue is
13 not addressed in this decision.

14 **5. RMC 4-7-080(I)(1):** *...The Hearing Examiner shall assure conformance with the general*
15 *purposes of the Comprehensive Plan and adopted standards...*

16 6. The proposed preliminary plat is consistent with the Renton Comprehensive Plan as outlined
17 in Finding 14 of the staff report, which is incorporated by this reference as if set forth in full.

18 **RMC 4-7-120(A):** *No plan for the replatting, subdivision, or dedication of any areas shall be*
19 *approved by the Hearing Examiner unless the streets shown therein are connected by surfaced road*
20 *or street (according to City specifications) to an existing street or highway.*

21 7. All of the internal roads of the proposed subdivision will be surfaced as required by City
22 standards and ultimately connect to NE 3rd Ct, an existing road.

23 **RMC 4-7-120(B):** *The location of all streets shall conform to any adopted plans for streets in the*
24 *City.*

25 8. The City's adopted street plans are not addressed in the staff report or anywhere else in the
26 administrative record in terms of location (although the frontage requirements arising from the 3rd/4th
street corridor plan area addressed at length). However, the proposal does appear to provide for
actual or future connections (via the two road stubs) to all possible locations for street connections,
so it is determined the standard is met.

RMC 4-7-120(C): *If a subdivision is located in the area of an officially designed [sic] trail,*
provisions shall be made for reservation of the right-of-way or for easements to the City for trail
purposes.

9. The subdivision is not located in the area of an officially designated trail.

1 **RMC 4-7-130(C):** *A plat, short plat, subdivision or dedication shall be prepared in conformance*
2 *with the following provisions:*

3 *1. Land Unsuitable for Subdivision: Land which is found to be unsuitable for subdivision includes*
4 *land with features likely to be harmful to the safety and general health of the future residents (such*
5 *as lands adversely affected by flooding, steep slopes, or rock formations). Land which the*
6 *Department or the Hearing Examiner considers inappropriate for subdivision shall not be*
7 *subdivided unless adequate safeguards are provided against these adverse conditions.*

8 *a. Flooding/Inundation: If any portion of the land within the boundary of a preliminary plat is*
9 *subject to flooding or inundation, that portion of the subdivision must have the approval of the State*
10 *according to chapter 86.16 RCW before the Department and the Hearing Examiner shall consider*
11 *such subdivision.*

12 *b. Steep Slopes: A plat, short plat, subdivision or dedication which would result in the creation of a*
13 *lot or lots that primarily have slopes forty percent (40%) or greater as measured per RMC 4-3-*
14 *050J1a, without adequate area at lesser slopes upon which development may occur, shall not be*
15 *approved.*

16 ...

17 *3. Land Clearing and Tree Retention: Shall comply with RMC 4-4-130, Tree Retention and Land*
18 *Clearing Regulations.*

19 *4. Streams:*

20 *a. Preservation: Every reasonable effort shall be made to preserve existing streams, bodies of water,*
21 *and wetland areas.*

22 *b. Method: If a stream passes through any of the subject property, a plan shall be presented which*
23 *indicates how the stream will be preserved. The methodologies used should include an overflow*
24 *area, and an attempt to minimize the disturbance of the natural channel and stream bed.*

25 *c. Culverting: The piping or tunneling of water shall be discouraged and allowed only when going*
26 *under streets.*

d. Clean Water: Every effort shall be made to keep all streams and bodies of water clear of debris
and pollutants.

10. The criterion is met. The land is suitable for a subdivision as the stormwater design assures
that it will not contribute to flooding and that water quality will not be adversely affected.
Development will not encroach into any critical areas. No piping or tunneling of streams is
proposed. Trees will be retained as required by RMC 4-4-130 as determined in the staff report.

1 The suitability of the land for subdivision is also assured due to the conditions requiring compliance
2 with monopole setback requirements. For the reasons identified in Finding of Fact No. 5(C), the
3 land surrounding the monopole may not be suitable for subdivision because of the safety hazards¹
4 potentially created by the monopole. The setback condition recommended by staff provides for
5 adequate safeguards to protect against the hazards created by the monopole.

6 **RMC 4-7-140:** *Approval of all subdivisions located in either single family residential or multi-*
7 *family residential zones as defined in the Zoning Code shall be contingent upon the subdivider's*
8 *dedication of land or providing fees in lieu of dedication to the City, all as necessary to mitigate the*
9 *adverse effects of development upon the existing park and recreation service levels. The*
10 *requirements and procedures for this mitigation shall be per the City of Renton Parks Mitigation*
11 *Resolution.*

12 11. City ordinances require the payment of park impact fees prior to building permit issuance.
13 As discussed in Finding of Fact No. 6 of this decision, no other open space or park requirements
14 apply to the proposal.

15 **RMC 4-7-150(A):** *The proposed street system shall extend and create connections between existing*
16 *streets unless otherwise approved by the Public Works Department. Prior to approving a street*
17 *system that does not extend or connect, the Reviewing Official shall find that such exception shall*
18 *meet the requirements of subsection E3 of this Section. The roadway classifications shall be as*
19 *defined and designated by the Department.*

20 12. The proposed street system connects to existing streets and provides for future connections to
21 all properties that have the potential for future connections.

22 **RMC 4-7-150(B):** *All proposed street names shall be approved by the City.*

23 13. As conditioned.

24 ¹ It is recognized that caution must be exercised when addressing the safety impacts of monopoles in subdivision
25 review. The legislative history of the City Council's setback requirements was not readily available so it is unclear
26 what safety impacts the Council had in mind. Given the Council's reliance upon engineering studies to allow for a
reduction in setbacks, it appears that the Council's concern is based upon structural integrity, which would be a
legally defensible factor to consider if founded on valid engineering concerns. However, if the concern is based
upon the health hazards of cell tower radiation, that would not serve as a legitimate basis for imposing conditions
because such considerations are expressly prohibited by the federal Telecommunications Act, see 47 USC
332(c)(7)(B)(iv). In any event, if suitability of the land for subdivision criterion does not serve as a valid basis for
the setback condition, the requirement for creating lots in conformance with the Zoning Code is enough by itself to
warrant the condition. Even if the Council's adopted setback requirements are invalidly based upon radiation
concerns, the examiner has no authority to invalidate or ignore Council setback requirements and must apply them
as required by City code standards.

1 **RMC 4-7-150(C):** *Streets intersecting with existing or proposed public highways, major or*
2 *secondary arterials shall be held to a minimum.*

3 14. There is no intersection with a public highway or major or secondary arterial.

4 **RMC 4-7-150(D):** *The alignment of all streets shall be reviewed and approved by the Public Works*
5 *Department. The street standards set by RMC 4-6-060 shall apply unless otherwise approved. Street*
6 *alignment offsets of less than one hundred twenty five feet (125') are not desirable, but may be*
7 *approved by the Department upon a showing of need but only after provision of all necessary safety*
8 *measures.*

9 15. As determined in Finding of Fact 6, the Public Works Department has reviewed and
10 approved the adequacy of streets, which includes compliance with applicable street standards.

11 **RMC 4-7-150(E):**

12 *1. Grid: A grid street pattern shall be used to connect existing and new development and shall be the*
13 *predominant street pattern in any subdivision permitted by this Section.*

14 *2. Linkages: Linkages, including streets, sidewalks, pedestrian or bike paths, shall be provided*
15 *within and between neighborhoods when they can create a continuous and interconnected network*
16 *of roads and pathways. Implementation of this requirement shall comply with Comprehensive Plan*
17 *Transportation Element Objective T-A and Policies T-9 through T-16 and Community Design*
18 *Element, Objective CD-M and Policies CD-50 and CD-60.*

19 *3. Exceptions:*

20 *a. The grid pattern may be adjusted to a "flexible grid" by reducing the number of linkages or the*
21 *alignment between roads, where the following factors are present on site:*

22 *i. Infeasible due to topographical/environmental constraints; and/or*

23 *ii. Substantial improvements are existing.*

24 *4. Connections: Prior to adoption of a complete grid street plan, reasonable connections that link*
25 *existing portions of the grid system shall be made. At a minimum, stub streets shall be required*
26 *within subdivisions to allow future connectivity.*

5. Alley Access: Alley access is the preferred street pattern except for properties in the Residential
Low Density land use designation. The Residential Low Density land use designation includes the
RC, R-1, and R-4 zones. Prior to approval of a plat without alley access, the Reviewing Official shall
evaluate an alley layout and determine that the use of alley(s) is not feasible...

1 6. *Alternative Configurations: Offset or loop roads are the preferred alternative configurations.*

2
3 7. *Cul-de-Sac Streets: Cul-de-sac streets may only be permitted by the Reviewing Official where due*
4 *to demonstrable physical constraints no future connection to a larger street pattern is physically*
5 *possible.*

6 16. The proposed and required connections are the maximum that can be included given
7 surrounding development. Alley access is not required because the proposal is in the Residential
8 Low Density land use designation. Extension of the stub roads to the streets of future development
9 will render the hammerhead turn around unnecessary. The criterion above is met.

10 **RMC 4-7-150(F):** *All adjacent rights-of-way and new rights-of-way dedicated as part of the plat,*
11 *including streets, roads, and alleys, shall be graded to their full width and the pavement and*
12 *sidewalks shall be constructed as specified in the street standards or deferred by the*
13 *Planning/Building/Public Works Administrator or his/her designee.*

14 17. As proposed.

15 **RMC 4-7-150(G):** *Streets that may be extended in the event of future adjacent platting shall be*
16 *required to be dedicated to the plat boundary line. Extensions of greater depth than an average lot*
17 *shall be improved with temporary turnarounds. Dedication of a full-width boundary street shall be*
18 *required in certain instances to facilitate future development.*

19 18. Streets that may be extended in the event of future adjacent platting have been extended to
20 the plat boundary line as required by the criterion quoted above.

21 **RMC 4-7-170(A):** *Insofar as practical, side lot lines shall be at right angles to street lines or radial*
22 *to curved street lines.*

23 19. As depicted in Ex. 5, the sidelines are in conformance with the requirement quoted above.

24 **RMC 4-7-170(B):** *Each lot must have access to a public street or road. Access may be by private*
25 *access easement street per the requirements of the street standards.*

26 20. As previously determined, each lot has access to a public street.

RMC 4-7-170(C): *The size, shape, and orientation of lots shall meet the minimum area and width*
requirements of the applicable zoning classification and shall be appropriate for the type of
development and use contemplated. Further subdivision of lots within a plat approved through the
provisions of this Chapter must be consistent with the then-current applicable maximum density
requirement as measured within the plat as a whole.

21. As previously determined, the proposed lots comply with the zoning standards of the R-4 zone, which includes area, width and density.

RMC 4-7-170(D): *Width between side lot lines at their foremost points (i.e., the points where the side lot lines intersect with the street right-of-way line) shall not be less than eighty percent (80%) of the required lot width except in the cases of (1) pipestem lots, which shall have a minimum width of twenty feet (20') and (2) lots on a street curve or the turning circle of cul-de-sac (radial lots), which shall be a minimum of thirty five feet (35').*

22. As shown in Ex. 5, the requirement is satisfied.

RMC 4-7-170(E): *All lot corners at intersections of dedicated public rights-of-way, except alleys, shall have minimum radius of fifteen feet (15').*

23. As conditioned.

RMC 4-7-190(A): *Due regard shall be shown to all natural features such as large trees, watercourses, and similar community assets. Such natural features should be preserved, thereby adding attractiveness and value to the property.*

24. Staff recommendations for the preservation of a couple significant trees has been made a condition of approval to meet the requirement of the criterion above.

RMC 4-7-200(A): *Unless septic tanks are specifically approved by the Public Works Department and the King County Health Department, sanitary sewers shall be provided by the developer at no cost to the City and designed in accordance with City standards. Side sewer lines shall be installed eight feet (8') into each lot if sanitary sewer mains are available, or provided with the subdivision development.*

25. As conditioned.

RMC 4-7-200(B): *An adequate drainage system shall be provided for the proper drainage of all surface water. Cross drains shall be provided to accommodate all natural water flow and shall be of sufficient length to permit full-width roadway and required slopes. The drainage system shall be designed per the requirements of RMC 4-6-030, Drainage (Surface Water) Standards. The drainage system shall include detention capacity for the new street areas. Residential plats shall also include detention capacity for future development of the lots. Water quality features shall also be designed to provide capacity for the new street paving for the plat.*

26. The proposal provides for adequate drainage that is in conformance with applicable City drainage standards as determined in Finding of Fact No. 6. The City's stormwater standards, which are incorporated into the technical information report and will be further implemented during civil plan review, ensure compliance with all of the standards in the criterion quoted above.

1 **RMC 4-7-200(C):** *The water distribution system including the locations of fire hydrants shall be*
2 *designed and installed in accordance with City standards as defined by the Department and Fire*
3 *Department requirements.*

4 27. The details of the water distribution system and location of fire hydrants will be subject to
5 City engineering civil review as part of final plat review.

6 **RMC 4-7-200(D):** *All utilities designed to serve the subdivision shall be placed underground. Any*
7 *utilities installed in the parking strip shall be placed in such a manner and depth to permit the*
8 *planting of trees. Those utilities to be located beneath paved surfaces shall be installed, including all*
9 *service connections, as approved by the Department. Such installation shall be completed and*
10 *approved prior to the application of any surface material. Easements may be required for the*
11 *maintenance and operation of utilities as specified by the Department.*

12 28. As conditioned.

13 **RMC 4-7-200(E):** *Any cable TV conduits shall be undergrounded at the same time as other basic*
14 *utilities are installed to serve each lot. Conduit for service connections shall be laid to each lot line*
15 *by subdivider as to obviate the necessity for disturbing the street area, including sidewalks, or alley*
16 *improvements when such service connections are extended to serve any building. The cost of*
17 *trenching, conduit, pedestals and/or vaults and laterals as well as easements therefore required to*
18 *bring service to the development shall be borne by the developer and/or land owner. The subdivider*
19 *shall be responsible only for conduit to serve his development. Conduit ends shall be elbowed to*
20 *final ground elevation and capped. The cable TV company shall provide maps and specifications to*
21 *the subdivider and shall inspect the conduit and certify to the City that it is properly installed.*

22 29. As conditioned.

23 **RMC 4-7-210:**

24 *A. MONUMENTS:*

25 *Concrete permanent control monuments shall be established at each and every controlling corner of*
26 *the subdivision. Interior monuments shall be located as determined by the Department. All surveys*
27 *shall be per the City of Renton surveying standards.*

28 *B. SURVEY:*

29 *All other lot corners shall be marked per the City surveying standards.*

30 *C. STREET SIGNS:*

31 *The subdivider shall install all street name signs necessary in the subdivision.*

1
2 30. As conditioned.

3 **DECISION**

4 The proposed preliminary plat meet all applicable subdivision standards for the reasons identified in
5 the conclusion of law of this decision and is approved, subject to the following conditions:

- 6 1. All proposed street names shall be approved by the City.
- 7 2. All lot corners at intersections of dedicated public rights-of-way, except alleys, shall have
8 minimum radius of fifteen feet (15').
- 9 3. Side sewer lines shall be installed eight feet (8') into each lot if sanitary sewer mains are
10 available, or provided with the subdivision development.
- 11 4. All utilities designed to serve the subdivision shall be placed underground. Any utilities
12 installed in the parking strip shall be placed in such a manner and depth to permit the
13 planting of trees. Those utilities to be located beneath paved surfaces shall be installed,
14 including all service connections, as approved by the Department of Public Works. Such
15 installation shall be completed and approved prior to the application of any surface material.
16 Easements may be required for the maintenance and operation of utilities as specified by the
17 Department of Public Works.
- 18 5. Any cable TV conduits shall be undergrounded at the same time as other basic utilities are
19 installed to serve each lot. Conduit for service connections shall be laid to each lot line by
20 Applicant as to obviate the necessity for disturbing the street area, including sidewalks, or
21 alley improvements when such service connections are extended to serve any building. The
22 cost of trenching, conduit, pedestals and/or vaults and laterals as well as easements therefore
23 required to bring service to the development shall be borne by the developer and/or land
24 owner. The applicant shall be responsible only for conduit to serve his development. Conduit
25 ends shall be elbowed to final ground elevation and capped. The cable TV company shall
26 provide maps and specifications to the applicant and shall inspect the conduit and certify to
the City that it is properly installed.
6. The applicant shall comply with the mitigation measures issued as part of the
Determination of Non-Significance Mitigated, dated May 2, 2016.
7. Demolition permits shall be obtained and all inspections shall be completed for the
residences to be removed prior to final plat approval.
8. The Monopole II within Tract C shall maintain a minimum setback equal to the
height of the tower from each property line or an engineering analysis shall be
submitted at the time of Utility Construction Permit Review stating that a reduced
setback is safe for abutting properties. This condition shall only apply to the extent
that Tract C setbacks increase the degree of currently existing nonconformity to
currently applicable setbacks.
9. The applicant shall be required to create a homeowner's association of maintenance
agreement for the shared utilities, stormwater facilities, and maintenance and
responsibilities for all shared improvements of this development. A draft of the

document(s) shall be submitted to Current Planning Project Manager for the review and approval by the City Attorney and Property Services section prior to the recording of the final plat.

10. A detailed landscape plan be submitted at the time of Utility Construction Permit review, showing:

- a. additional shrubs within the 10-foot landscape strip along the new interior residential access street to ensure that a mix of trees, shrubs, and ground cover are provided; and
- b. a 15-foot wide sight-obscuring landscape buffer be provided around the wireless communication facility equipment shelter *such landscaping shall be contained within Tract C.*

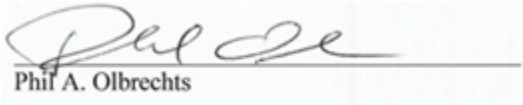
The detailed landscape plan shall be submitted to the Current Planning Project Manager for review and approval at the time of Utility Construction Permit Review.

11. A final tree retention plan shall be submitted at the time of Utility Construction Permit review. The final tree retention plan shall include the retention of the western red cedar (T-12) and big leaf maple (T-16) and the planting of eight 2-inch caliper replacement trees. The final tree retention plan shall be submitted to the Current Planning Project Manager for review and approval. The replacement trees shall be installed prior to final plat approval.

12. The width of Lot 12 at the street frontage shall be increased to comply with the minimum width required for lots on a street curve of 35 feet. A revised lot layout shall be submitted to the Current Planning Project Manager for review and approval at the time of Utility Construction Permit Review.

13. A note shall be recorded on the face of the final plat stating that averaging of lot area, width, and depths as permitted in RMC 4-2-110D.31 was utilized to comply with the minimum lot size, width, and depth requirements of the R-4 zone.

DATED this 29th day of June, 2016.



Phil A. Olbrechts

City of Renton Hearing Examiner

Appeal Right and Valuation Notices

RMC 4-8-080 provides that the final decision of the hearing examiner is subject to appeal to the Renton City Council. RMC 4-8-110(E)(14) requires appeals of the hearing examiner's decision

1 to be filed within fourteen (14) calendar days from the date of the hearing examiner's
2 decision. A request for reconsideration to the hearing examiner may also be filed within this 14
3 day appeal period as identified in RMC 4-8-110(E)(13) and RMC 4-8-100(G)(9). A new
4 fourteen (14) day appeal period shall commence upon the issuance of the
reconsideration. Additional information regarding the appeal process may be obtained from the
City Clerk's Office, Renton City Hall – 7th floor, (425) 430-6510.

5 Affected property owners may request a change in valuation for property tax purposes
6 notwithstanding any program of revaluation.